

**JOURNAL**  
**OF THE**  
**House of Representatives**  
**OF THE**  
**FIRST CALLED SESSION**  
**OF THE**  
**Fifty-ninth Legislature**  
**OF THE**  
**STATE OF TEXAS**  
**BEGUN AND HELD AT**  
**THE CITY OF AUSTIN**  
**FEBRUARY 14, 1966**



ADDRESS BY GOVERNOR  
JOHN CONNALLY

(The Senate and the House of Representatives in Joint Session)

In accordance with the provisions of H. C. R. No. 1, providing for a Joint Session of the Senate and the House at 12:30 o'clock p.m., today, for the purpose of hearing the message of the Honorable John Connally, Governor of Texas, the Honorable Senators were admitted to the Hall of the House and occupied seats arranged for them.

Lieutenant Governor Preston Smith was escorted to a seat on the Speaker's Rostrum.

At 12:27 o'clock p.m., Governor John Connally and party, escorted by Senators Herring, Hardeman, Hall, Strong and Watson, Committee on the part of the Senate, and Representatives Hendryx, Slider, Cowden, Ligarde and Field, Committee on the part of the House, were announced at the Bar of the House and, being admitted, were escorted to seats on the Speaker's Rostrum.

Lieutenant Governor Preston Smith called the Senate to order.

A quorum of the Senate was announced present.

The Honorable Ben Barnes, Speaker of the House of Representatives, called the House of Representatives to order.

Speaker Barnes directed the Clerk to call the roll of the House.

The roll of the House was called.

A quorum of the House was announced present.

Speaker Barnes stated that the two Houses were in Joint Session for the purpose of hearing an address by His Excellency, John Connally, Governor of Texas.

Speaker Barnes then presented Governor Connally to the Joint Session.

Governor Connally then addressed the Joint Session, speaking as follows:

TO THE MEMBERS OF THE  
FIFTY - NINTH LEGISLATURE,  
FIRST CALLED SESSION:

I appreciate the opportunity to deliver this message in person.

It's always good to see you . . . although I never expected to see all of you again so soon.

By legal definition, this is the First Called Session of the 59th Legislature. In practice, I know most of you share my hope that it is the only called session.

As you know, this is the first time during the last two Legislatures that an emergency sufficient to cause a special session has arisen.

In this instance, the emergency is a decision of a three-judge federal district court holding that the poll tax is unconstitutional as a prerequisite for voting.

My views on the poll tax issue are well known. In 1963, and again last year, I recommended submission of an amendment to the State Constitution repealing the poll tax as a prerequisite for voting in state elections. Two-thirds of the members of both the 58th and 59th Legislatures supported that proposal, although the amendment failed at the polls in 1963.

The amendment submitted last year will be on the ballot again this coming November for another decision by the voters.

Aside from our personal views on this issue, the timing of the federal court decision creates an immediate and critical problem which must be met by the Legislature.

Accordingly, this special session was called for the purpose of enacting legislation which will:

1. Provide for voter registration for the 1966 primary, general and special elections in the event the poll tax as a prerequisite for voting is finally declared unconstitutional effective this year; and

2. Establish procedures for voter registration in subsequent elections in lieu of the poll tax if the poll tax is finally declared unconstitutional or is repealed.

The Attorney General is now preparing an appeal to the Supreme Court of the United States for a stay of execution of the federal court order.

In light of existing circumstances, he had no other recourse.

In all previous Supreme Court decisions—the last one as recently as 1953—the Court has upheld the right of a state to impose a poll tax as a requirement for voting in its state elections.

The Court now has under review a Virginia case which could be ruled upon at any time. Until the Supreme Court has spoken the question of constitutionality cannot be finally resolved, especially since the ruling of the Austin federal court is contrary to the previous rulings of the Supreme Court.

Had I not called a special session, in the meantime, to enact a voter registration law contingent upon this final decision, we faced a potentially chaotic and dangerous situation in the conduct of the 1966 election process.

There would be no provision, under the federal court ruling, for legally registering voters eligible to vote in city and primary elections this spring.

Fraud would be a distinct possibility. Utter confusion would be a certainty.

I think we can all be proud that the decision of the federal district court last week rejected the federal government's argument that the poll tax had been used in Texas to discriminate against minority groups and to deprive them of the right to vote.

The Court found, and specifically held, that "the evidence does not establish that the poll tax in Texas discriminates against Negroes in violation of the Fifteenth Amendment or the Equal Protection Clause."

The Court further stated that "the evidence clearly shows, and the United States does not dispute, that at least during the last twenty years there has not been any attempt to use the poll tax overtly to deprive the Negro of his right to vote."

After reviewing the federal government's argument the Court concluded that "the facts will not support a finding of racial discrimination" in the use of the poll tax in Texas.

But in spite of these findings, the Court struck down the poll tax as a prerequisite to voting in Texas on the ground that it "infringes on the concept of liberty as protected by the Due Process Clause and constitutes an invalid charge on the exercise of one of our most precious rights—the right to vote."

I emphasize the conclusion that the poll tax "constitutes an invalid charge" on the right to vote.

Under this ruling, it is abundantly clear that a voter registration fee of twenty-five cents or any other amount could be subject to the same interpretation of constitutionality by this court.

Therefore, I recommend that the law you enact provide free registration for all voters otherwise qualified to vote.

On the subject of annual registration or permanent registration, this Legislature by a two-thirds vote submitted to the people a Constitutional Amendment, to be voted upon in November, which states in part:

"... before offering to vote at an election a voter shall have registered annually . . ."

I agree with your position that annual registration is the most logical means of preventing fraud and guaranteeing the purity of the ballot box.

But more compelling than this, it is inconceivable that we would now adopt a statutory permanent registration plan which would become unconstitutional if the amendment is adopted next November.

To do so at this time would be truly an exercise in futility and create even more confusion in the future.

Therefore, I recommend that the law you enact provide for annual registration.

I further recommend the retention of the 120-day registration period, from October 1 to January 31, which

is already the established custom in Texas.

This will allow time for the preparation of poll lists by the counties before the city elections held in April and the primary elections in May. It will also hold to a minimum any problems of changeover which might be encountered by the counties.

Since we have no way of knowing when a final court decision will be made, it is important that for this year only we provide a temporary registration period for those who failed to pay their poll tax before the January 31 deadline.

Therefore, I recommend a period of 15 days in the latter part of March to register all who desire to do so.

While I realize I gave you very little notice on calling this special session, I might point out that had there been a delay it would have been virtually impossible to have this registration prior to the party primaries in May.

The registration act should further provide that those who paid their poll taxes prior to January 31 are automatically registered to vote in the 1966 elections without further action on their part.

The temporary registration period, then, would provide conditional eligibility to vote pending a ruling by the Supreme Court. If and until a ruling is final, or if and until the poll tax repeal amendment to the State Constitution is adopted and goes into effect, the right to vote under this statute must be conditional in order to conform to the existing requirements of our Constitution.

Therefore, the registration act is a safeguard against the immediate chaos which would result next week or next month or any time before the November election if the Supreme Court declares the poll tax unconstitutional effective in 1966.

This Legislature . . . the Members, the Lieutenant Governor and the Speaker . . . faced monumental problems during the regular session and produced results of greater significance to Texas than any previous session in this century.

In education, in mental health and mental retardation, in water development and in so many other responsibilities, your actions have left a bright and indelible mark on the history of our state.

On two previous occasions, you responded to federal court decisions declaring unconstitutional our Congressional and Legislative districts. In both cases you enacted redistricting legislation which has been substantially approved by the federal courts.

I am confident that this latest court decision will result in equal statesmanship on your part.

This being an election year, a special session could be the forum for a political sideshow which would insult the intelligence of the people of Texas.

But the 59th Legislature has already proved it is a responsible Legislature, and I have no doubt that the overwhelming majority of its members will face up to the task of this special session in a forthright and conscientious manner.

I stand ready to assist you in every way I can.

Thank you for inviting me to this Joint Session.

### ADDRESS BY GOVERNOR JOHN CONNALLY

(The Senate and the House of Representatives in Joint Session)

In accordance with the provisions of House Concurrent Resolution No. 17, providing for a Joint Session of the Senate and the House at 3:00 o'clock p.m. today, for the purpose of hearing an address by the Honorable John Connally, Governor of Texas, the Honorable Senators were admitted to the Hall of the House and occupied seats arranged for them.

At 3:00 o'clock p.m., Governor John Connally and party, escorted by Senators Dies, Calhoun, Creighton, Hazlewood and Reagan, Committee on the part of the Senate, and Representatives Pendleton, Edwards, Solomon, Scoggins and Duggan, Committee on the part of the House, were announced at the bar of the House and, being admitted, were escorted to seats on the Speaker's Rostrum.

Lieutenant Governor Smith called the Senate to order.

A quorum of the Senate was announced present.

The Honorable Ben Barnes, Speaker, called the House of Representatives to order.

The roll of the House was called.

The Speaker stated that there was a quorum of the House present.

Speaker Barnes stated that the two Houses were in Joint Session, in accordance with the provisions of H. C. R. No. 17, for the purpose of hearing an address by His Excellency, John Connally, Governor of Texas.

Speaker Barnes then presented Governor Connally to the Joint Session.

Governor Connally addressed the Joint Session, as follows:

Mr. Speaker, President Smith, distinguished Members of the Senate and House, ladies and gentlemen:

This is the second time in ten days that I have had the privilege of addressing you and I am grateful for the opportunity which you have accorded me to again be here today to express to you my personal thanks

and congratulations for myself and for all the people of Texas for the expeditious manner in which you have disposed of an emergency which was the cause for the call of this Special Session. I think again that the 59th Session of the Legislature has demonstrated its leadership and statesmanship in facing up to and solving responsibilities which it sees. In writing the voter registration bill which you have written and which you have finally passed, I think you have provided for an honest, a fair, and a reasonable bill. I think it is a bill that is calculated to encourage the exercise of the rights to register and to vote in behalf of all the people of this State. It is based upon the premise that the people of Texas are an intelligent people and are concerned enough with the exercise of a precious right and the responsibility of government to determine their own actions without being pushed or cajoled or herded. I think it provides strong protection against fraud and dishonest elections.

Basically, it says to every man and woman in this State that his vote is his vote and his right and not the property of someone else. This bill, as you know better than I, includes provisions from many proposals from many sources, but together they have combined to form a bill which in my judgment will be one of the best in the nation. You have done a very necessary job. You have done it extremely well. You have done it in a statesmanlike fashion; in a manner that has characterized the entire demeanor and the behavior and the actions of this 59th Session. I think history will record and will remember this Session of the Legislature—the 59th—as the Legislature which opened new doors of educational opportunity for all of the people of Texas, and under the able leadership of the Speaker of the House and Lieutenant Governor Smith, the President of the Senate. As a result of the dedicated and arduous work that the Members of this House and the Members of the Senate have expended in this Special Session as well as the Regular Session of 1965, you have covered much ground—you have plowed new furrows—and you have charted a new course—not only in the field of education, for you have given unprecedented support to education

for our people at all levels. You have gone beyond the ordinary in doing so. You have provided facilities and resources for special schools, for migrant schools. You have created a new model of a vocational and technical school. You have supported the junior colleges to an extent never before known in the history of Texas. You have raised the salaries of the teachers of this State. You have raised the salaries of the faculties of our educational institutions of higher learning to an unprecedented degree. So when I say that you have opened new doors of educational opportunity, I include all of these things plus the passage of an 85 million dollar loan program to make it possible for all of those who for financial reasons might not be able to partake of the opportunities of this great State. This Legislature will be remembered as one that gave new direction to the conservation of our resources both human and natural. It will be remembered as one that turned its eyes toward new and vigorous programs for the care of the mentally ill and the mentally retarded. It will be remembered as a Legislature with eyes to see the problems of a growing and a responsive State whether we are talking about great industrialization, increasing our tourism or in many, many other fields. But more than that, it will be characterized, in the eyes of those who study the history of this State as a Legislature with a vision to see an even greater destiny ahead than the rich heritage of our past. It will be remembered as a Legislature with a courage to reach beyond the challenges of our own time and our own day and the problems we are confronted with in the ordinary course of our business affairs to reach out and anticipate the growth and problems of the future and to have the courage to build for the future of this State and for the well-being and prosperity of all its people. Notwithstanding the magnificent contributions that you have made during the Regular Session of the 59th Session and notwithstanding the speedy action which you have taken, arising out of an emergency that was the cause of this First Called Session, we are still confronted with many problems. Many of you have talked to me about these problems. They are of concern to you and they are of concern to me.

Yet, we have two-and-a-half weeks remaining of this 30-day Session. And after careful deliberation, I have concluded that notwithstanding the serious problems that confront us in some areas of activity in this State that in light of the magnificent job that you did during the past Regular Session of the 59th Legislature that we have only 11 months remaining until we again convene this Legislature in its Regular Session to consider and act upon the great variety of issues which inevitably come before us if the Call of this Session was expanded. I have therefore come to the conclusion that I shall not expand the Call of the Session. And I do so after very careful deliberation and after talking with many members of the House and Senate, getting your advice and counsel, I do so on the final criteria—I think that notwithstanding that we do face problems and that we are always going to face problems—none of the problems individually or collectively are of such an emergency nature that—barring the emergency of the court decision—I would not have called a Special Session for any of the purposes that have been discussed with me about which I have thought myself. Therefore, the Session will not be expanded. And I want to finally conclude by expressing my profound gratitude for the conduct of this Special Session. Part of your responsibility is to be with your people in an election year and in every year in order that you might articulate to them what you have done in the performance of your tasks and your duties representing them and to consider with them about the problems that they see that we need to act upon in the next Session. You will have more time to do that with the end of this Special Session now. I give you my thanks. I think I speak for all of Texas in applauding you for the exemplary fashion in which you have conducted yourselves, both personally and collectively, as a legislative body in a great State. I wish you well and Godspeed. Thank you very much.